



Docket No. BAF-11803/29

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ferree

Serial No.: 10/630,445

Group Art Unit: 3731

Filed: July 30, 2003

Examiner:

For: METHODS AND APPARATUS FOR TREATING DISC HERNIATION AND  
PREVENTING THE EXTRUSION OF INTERBODY BONE GRAFT

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR BEFORE MAILING  
OF FIRST OFFICE ACTION (37 CFR 1.97(b))**

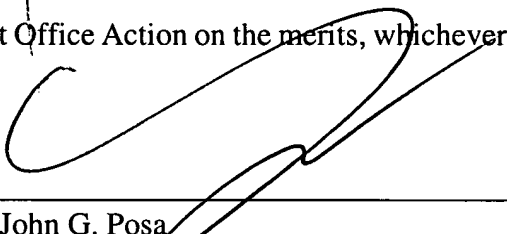
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office Action on the merits, whichever event occurs last. 37 CFR 1.97(b).

Date: April 15, 2004

Reg. No.: 37,424

Tel. No.: 734/913-9300

  
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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date: April 15, 2004

  
\_\_\_\_\_  
Janice A. Lincourt

GIFFORD, KRASS, GROH, SPRINKLE, ANDERSON & CITKOWSKI, P.C. 280 N. OLD WOODWARD AVENUE, STE. 400, BIRMINGHAM, MICHIGAN 48009-5394 (248) 647-6000



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**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. §1.56, it is respectfully requested that this Information Disclosure Statement be entered and the references listed on attached Form PTO-1449 be considered by the Examiner and made of record.

In accordance with 37 C.F.R. §1.97(g), this Information Disclosure Statement is not to be construed as a representation that a search has been made or that no other possible material information as defined in 37 C.F.R. §1.56(a) exists. In accordance with 37 C.F.R. §1.97(h) this Information Disclosure Statement is not to be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b).

Respectfully submitted,

By

John G. Posa  
Reg. No. 37,424

Date: April 15, 2004

# INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

APR 19 2004

PATENT & TRADEMARK OFFICE

ATTY DOCKET NO.  
BAF-11803/29

SERIAL NO  
10/630,445

FERREE

FILING  
7/30/03

GROUP  
3731

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,867,728	2/1975	Stubstad et al	3	1	
	3,875,595	4/1975	Froning	3	1	
	4,349,921	9/1982	Kuntz	3	1	
	4,413,359	11/1983	Aklyama et al	3	1	
	4,502,161	3/1985	Wall	3	1.91	
	4,512,338	4/1985	Balko et al	128	1R	
	4,532,926	8/1985	O'Holla	128	334	
	4,663,358	5/1987	Hyon et al	521	64	
	4,741,330	5/1988	Hayhurst	128	92 YF	
	4,744,364	5/1988	Kensey	128	334 R	
	4,772,287	9/1988	Ray et al	623	17	
	4,781,190	11/1988	Lee	128	334 R	
	4,798,205	1/1989	Bonomo et al	128	344	
	4,834,757	5/30/1989	Brantigan	623	17	
	4,837,285	6/1989	Berg et al	530	356	
	4,852,568	8/1989	Kensey	128	325	
	4,863,477	9/1989	Monson	623	17	
	4,873,976	10/1989	Schreiber	128	334 R	
	4,890,612	1/1990	Kensey	606	213	

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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	FILING 7/30/03	GROUP 3731

U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		4,904,260	2/27/90	Ray et al	623	17	
		4,911,718	3/1990	Lee et al	623	17	
		4,917,704	4/1990	Frey et al	623	17	
		4,932,969	6/12/1990	Frey et al	623	17.12	
		4,946,378	8/1990	Hirayama et al	623	17	
		4,955,908	9/1990	Frey et al	623	17	
		5,002,576	3/1991	Fuhrmann et al	623	17	
		5,015,255	5/14/91	Kuslich	623	17	
		5,021,059	6/1991	Kensey et al	606	213	
		5,035,716	7/1991	Downey	623	17	
		5,047,055	9/1991	Bao et al	623	17	
		5,053,046	10/1991	Janese	606	215	
		5,059,206	10/1991	Winters	606	213	
		5,061,274	10/1991	Kensey	606	213	
		5,071,437	12/1991	Steffee	623	17	
		5,100,422	3/1992	Berguer et al	606	151	
		5,108,438	4/1992	Stone	623	17	
		5,116,357	5/1992	Eberbach	606	213	
		5,122,155	6/1992	Eberbach	606	213	

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U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,123,926	6/1992	Pisharodi	623	17	
		5,141,515	8/1992	Eberbach	606	151	
		5,147,374	9/1992	Fernandez	606	151	
		5,171,259	12/1992	Inoue	606	213	
		5,171,278	12/1992	Pisharodi	623	17	
		5,171,280	12/1992	Baumgartner	623	17	
		5,171,281	12/1992	Parsons et al	623	17	
		5,176,692	1/1993	Wilk et al	606	151	
		5,192,326	3/1993	Bao et al	623	17	
		5,222,974	6/1993	Kensey et al	606	213	
		5,254,133	10/1993	Seid	606	215	
		5,258,000	11/1993	Giantureo	606	151	
		5,258,043	11/1993	Stone	623	66	
		5,269,783	12/1993	Sander	606	72	
		5,282,827	2/1994	Kensey et al	606	215	
		5,304,194	4/1994	Chee et al	606	191	
		5,306,311	4/1994	Stone et al	623	18	
		5,312,435	5/1994	Nash et al	606	213	
		5,318,780	6/1994	Viegas et al	424	427	

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*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,320,633	6/1994	Allen et al	606	144	
		5,320,644	6/1994	Baumgartner	623	17	
		5,342,393	8/1994	Stack	606	213	
		5,342,394	8/1994	Matsuno et al	606	213	
		5,356,432	10/1994	Rutkow et al	623	11	
		5,366,460	11/1994	Eberback	606	151	
		5,368,602	11/1994	de la Torre	606	151	
		5,370,660	12/1994	Weinstein et al	606	215	
		5,370,697	12/1994	Baumgartner	623	17	
		5,376,693	12/1994	Viegas et al	523	106	
		5,383,477	1/1995	DeMatteis	128	898	
		5,383,905	1/1995	Golds et al	606	232	
		5,390,683	2/21/95	Pisharodi	128	898	
		5,397,331	3/1995	Himpens et al	606	151	
		5,397,332	3/1995	Kammerer et al	606	151	
		5,405,360	4/1995	Tovey	606	151	
		5,425,772	6/20/95	Brantigan	623	17	
		5,425,773	6/1995	Boyd et al	623	17	
		5,437,631	8/1995	Janzen	604	49	

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**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,456,720	10/1995	Schultz et al	623	12	
	5,464,407	11/1995	McGuire	606	86	
	5,500,000	3/1996	Feagin et al	606	232	
	5,507,754	4/1996	Green et al	606	139	
	5,514,180	5/1996	Heggeness et al	623	17	
	5,520,700	6/1996	Beyar et al	606	139	
	5,531,759	7/1996	Kensey et al	606	213	
	5,534,028	7/1996	Bao et al	623	17	
	5,534,030	7/1996	Navarro et al	623	17	
	5,540,715	7/1996	Katsaros et al	606	213	
	5,545,178	8/1996	Kensey et al	606	213	
	5,545,229	8/13/96	Parsons et al	623	17	
	5,549,579	8/1996	Kuslich	623	17	
	5,549,617	8/1996	Green et al	606	144	
	5,556,428	9/1996	Shah	623	13	
	5,556,429	9/1996	Felt	128	898	
	5,562,680	10/1996	Green et al	606	151	
	5,562,736	10/8/96	Ray et al	623	17	
	5,562,738	10/1996	Boyd et al	623	17	

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*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,569,252	10/1996	Justin et al	606	73	
		5,571,189	11/1996	Kuslich	623	17	
		5,582,616	12/1996	Boldue et al	606	143	
		5,587,175	12/1996	Viegas et al	424	427	
		5,591,223	1/1997	Lock et al	623	1	
		5,613,974	3/1997	Andreas et al	606	144	
		5,620,012	4/1977	Benderev et al	128	898	
		5,624,463	4/1997	Stone et al	623	18	
		5,626,613	5/1997	Schmieding	606	232	
		5,634,931	6/1997	Kagel	606	151	
		5,645,084	7/1997	McKay	128	898	
		5,645,597	7/1997	Krapiva	623	17	
		5,658,343	8/1997	Hauselmann et al	623	20	
		5,662,683	9/1997	Kay	606	232	
		5,669,935	9/1997	Rosenman et al	606	232	
		5,674,294	10/1997	Bainville, et al	623	17	
		5,674,296	10/1997	Bryan et al	623	17	
		5,676,698	10/1997	Janzen et al	623	8	
		5,676,701	10/1997	Yuan et al	623	17	

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*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,681,310	10/1997	Yuan et al	606	61	
	5,681,351	10/1997	Jamiolkowski et al	606	232	
	5,683,465	11/1997	Shinn et al	623	17	
	5,695,525	12/1997	Mulhauser et al	623	11	
	5,702,450	12/1997	Bisserie	623	17	
	5,702,451	12/1997	Biedermann et al	623	17	
	5,702,454	12/1997	Baumgartner	623	17	
	5,702,462	12/1997	Oberlander	623	20	
	5,709,854	1/1998	Griffith-Cima et al	424	93.7	
	5,716,408	2/1998	Eldridge et al	623	11	
	5,716,409	2/1998	Debbas	623	11	
	5,716,413	2/1998	Walter et al	623	16	
	5,716,416	2/1998	Lin	623	17	
	5,718,862	2/1998	Thompson	264	296	
	5725,577	3/1998	Saxon	623	11	
	5,728,150	3/1998	McDonald et al	623	1	
	5,730,744	3/1998	Justin et al	606	73	
	5,733,337	3/1998	Car, Jr. et al	623	11	
	5,743,917	4/1998	Saxon	623	11	

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*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,746,755	5/1998	Wood et al	606	148	
	5,766,246	6/1998	Mulhauser et al	623	11	
	5,769,864	6/1998	Kugel	606	151	
	5,769,893	6/1998	Shah	623	13	
	5,772,661	6/1998	Michelson	606	61	
	5,776,183	7/1998	Kanesaka et al	623	1	
	5,782,844	7/1998	Yoon et al	606	139	
	5,785,705	7/1998	Baker	606	32	
	5,800,549	1/1998	Bao et al	623	17	
	5,800,550	9/1/98	Sertich	623	17	
	5,801,033	9/1998	Hubbell et al	435	182	
	5,810,851	9/1998	Yoon	606	148	
	5,823,994	10/1998	Sharkey et al	604	60	
	5,824,008	10/1998	Bolduc et al	606	43	
	5,824,082	10/1998	Brown	623	11	
	5,824,093	10/20/98	Ray et al	623	17	
	5,824,094	10/1998	Serhan et al	623	17	
	5,827,298	10/1998	Hart et al	606	139	
	5,827,328	10/27/98	Butterman	623	17	

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	5,836,315	11/1998	Benderev et al	128	898	
	5,843,084	12/1998	Hart et al	606	77	
	5,860,425	1/1999	Benderev et al	128	898	
	5,860,977	1/1999	Zucherman et al	606	61	
	5,865,845	2/1999	Thalgott	623	17	
	5,865,846	2/1999	Bryan et al	623	17	
	5,879,366	3/1999	Shaw et al	606	213	
	5,888,220	3/1999	Felt et al	623	17	
	5,888,220	3/1999	Felt et al	128	898	
	5,888,226	3/1999	Rogozinski	623	17	
	5,893,889	4/1999	Harrington	623	17	
	5,916,225	6/1999	Kugel	606	151	
	5,919,235	7/1999	Husson et al	623	17	
	5,922,026	7/1999	Chin	623	11	
	5,928,284	7/1999	Mehdizadeh	623	17	
	5,935,147	8/1999	Kensey et al	606	213	
	5,954,716	9/1999	Sharkey et al	606	32	
	5,954,767	9/1999	Pajotin et al	623	11	
	5,957,939	9/1999	Heaven et al	606	151	

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		5,972,000	10/1999	Beyar et al	606	139	
		5,972,007	10/1999	Sheffield et al	606	151	
		5,972,022	10/1999	Huxel	606	215	
		5,976,174	11/1999	Ruiz	606	213	
		5,976,186	11/1999	Bao et al	623	17	
		5,980,504	11/1999	Sharkey et al	604	510	
		6,001,130	12/1990	Bryan et al	623	17	
		6,007,570	12/1999	Sharkey et al	607	96	
		6,007,575	12/1999	Samuels	623	1	
		6,019,793	2/2000	Perren et al	623	17.16	
		6,024,754	2/2000	Engelson	606	213	
		6,027,527	2/2000	Asano et al	623	1	
		6,126,682	10/2000	Sharkey et al	607	96	
		6,140,452	10/2000	Felt et al	528	60	
		6,146,380	11/2000	Racz et al	606	41	
		6,183,518	2/2001	Ross et al	623	17.16	
		6,206,921	3/2001	Guagliano et al	606	92	
		6,224,630	5/2001	Bao et al			
		6,245,107	6/2001	Ferree	623	17	

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FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
		0 277 678 A1	8/1988	EP	A61F	2/02	X	
		0 700 671 A1	3/1996	EP	A61F	2/44	X	
		0 722 700 B1	12/1998	EP	A61F	2/06	X	
		97/30638	8/1997	WO	A61B	17/00	X	
		98/17190	4/1998	WO	A61B	18/00	X	
		98/34552	8/1998	WO	A61B	17/70	X	
		99/00074	1/1999	WO	A61F	2/44	X	
		99/02214	1/1999	WO	161M	25/00	X	
		99/03422	1/1999	WO	A61F	2/00	X	
		99/30651	6/1999	WO	A61F	2/44	X	
		99/47058	9/1999	WO	A61B	17/39	X	
		99/61084	12/1999	WO	A61L	31/00	X	
		99/62439	12/1999	WO	A61F	2/44	X	
		00/42953	7/2000	WO	A61F	2/44	X	
		00/62832	10/2000	WO	A61L	27/16	X	
		01/10316 A1	2/2001	WO	A61b	17/56	X	
		01/28464 A1	4/2001	WO	A61F	2/44	X	
		01/45577 A2	6/2001	WO	A61B	17/70	X	
		01/10318 A1	2/2001	WO	A61B	18/08		X
		01/21246 A1	3/2001	WO	A61M	29/00	X	

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